

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1354

AN ACT

AMENDING SECTIONS 36-2220 AND 36-2245, ARIZONA REVISED STATUTES; RELATING TO
EMERGENCY MEDICAL SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-2220, Arizona Revised Statutes, is amended to
3 read:

4 36-2220. Records: confidentiality; definition

5 A. Information developed and records kept by the department or a
6 political subdivision of this state for the purpose of administering or
7 evaluating the Arizona emergency medical services system or for the trauma
8 system are available to the public except:

9 1. Any patient record including clinical records, prehospital care
10 records, medical reports, laboratory statements and reports, any file, film,
11 record or report or oral statement relating to diagnostic findings, treatment
12 or outcome of patients, whether written or recorded, and any information from
13 which a patient, the patient's family or the patient's health care provider
14 or facility might be identified except records, files and information shall
15 be available to the patient, the patient's guardian or the patient's agent.

16 2. Information obtained for purposes of chapter 25 or chapter 4,
17 article 5 of this title.

18 B. Unless otherwise provided by law, all medical records developed and
19 kept by a prehospital component of the statewide trauma system and
20 information contained in these records are confidential and may not be
21 released to the public without written authorization by the patient, the
22 patient's guardian or the patient's agent.

23 C. Notwithstanding subsection B OF THIS SECTION, a prehospital
24 incident history report completed and kept by a nonhospital political
25 subdivision of this state is available to the public except for information
26 in that report that is protected from disclosure by the laws of this state or
27 federal law including but not limited to confidential patient treatment
28 information.

29 D. Patient records and medical records covered by this section may be
30 obtained pursuant to section 12-2294.01.

31 E. INFORMATION, DOCUMENTS AND RECORDS RECEIVED BY THE DEPARTMENT OR
32 PREPARED BY THE DEPARTMENT IN CONNECTION WITH AN INVESTIGATION THAT IS
33 CONDUCTED PURSUANT TO THIS ARTICLE THAT RELATES TO EMERGENCY MEDICAL
34 TECHNICIANS ARE CONFIDENTIAL AND ARE NOT SUBJECT TO PUBLIC INSPECTION OR
35 CIVIL DISCOVERY. WHEN THE INVESTIGATION HAS BEEN COMPLETED AND THE
36 INVESTIGATION FILE HAS BEEN CLOSED, THE RESULTS OF THE INVESTIGATION AND THE
37 DECISION OF THE DEPARTMENT SHALL BE AVAILABLE TO THE PUBLIC.

38 F. For the purposes of this section, "prehospital incident history
39 report" means a record of the prehospital response, nature of the incident
40 and transportation of an emergency medical services patient that is
41 documented on a prehospital incident history report.

1 Sec. 2. Section 36-2245, Arizona Revised Statutes, is amended to read:

2 36-2245. Investigations: dispute resolution; informal
3 interviews; hearings; stipulations; judicial review;
4 civil penalty

5 A. The department may conduct an investigation into the operation of
6 ambulances and ambulance services.

7 B. Proceedings under this section may be initiated by the department.

8 C. If the department receives a written and signed statement of
9 dissatisfaction or dispute of charges or any matter relating to the
10 regulation of ambulance services, the customer is deemed to have filed an
11 informal complaint against the ambulance service. Within fifteen days of
12 receipt of the complaint, a designated representative of the department shall
13 inform the ambulance service that an informal complaint has been filed, state
14 the nature of the allegations made, specify the purported rule violation and
15 identify specific records relating to the purported rule violation that the
16 ambulance service shall provide to the department. The ambulance service
17 shall comply with the request for records in a timely manner.

18 D. Within forty-five days of receipt of the records, the department
19 shall determine if the complaint is nonsubstantive or substantive.

20 E. If the department determines that a complaint filed pursuant to
21 this section is nonsubstantive it shall render a written decision to all
22 parties within five days of that determination. The complainant may make a
23 formal complaint to the department if the complainant disagrees with the
24 department's decision. If the nonsubstantive complaint involves rates and
25 charges, a designated representative of the department shall attempt to
26 resolve the dispute by correspondence or telephone with the ambulance service
27 and the customer.

28 F. If the department determines that a complaint filed pursuant to
29 this section is substantive the complaint becomes a formal complaint. The
30 department shall inform the ambulance service that the initial investigation
31 was substantive in nature and may warrant action pursuant to this article.
32 The department shall inform the ambulance service of the specific rule
33 violation and shall allow the ambulance service thirty days to answer the
34 complaint in writing.

35 G. The department may issue a written request for an informal
36 interview with the ambulance service if the department believes that the
37 evidence indicates that grounds for action exist. The request shall state
38 the reasons for the interview and shall schedule an interview at least ten
39 days from the date that the department sends the request for an interview.

40 H. If the department determines that evidence warrants action or if
41 the ambulance service refuses to attend the informal interview, the director
42 shall institute formal proceedings and hold a hearing pursuant to title 41,
43 chapter 6, article 10.

1 I. If the department believes that a lesser disciplinary action is
2 appropriate, the department may enter into a stipulated agreement with the
3 ambulance service. This stipulation may include a civil penalty as provided
4 under subsection J of this section.

5 J. In addition to other disciplinary action provided under this
6 section, the director may impose a civil penalty of not more than three
7 hundred fifty dollars for each violation of this chapter that constitutes
8 grounds to suspend or revoke a certificate of necessity. This penalty shall
9 not exceed fifteen thousand dollars. Each day that a violation occurs
10 constitutes a separate offense. The director shall deposit, pursuant to
11 sections 35-146 and 35-147, all monies collected under this subsection in the
12 emergency medical services operating fund established under section 36-2218.

13 K. The director may suspend a certificate of necessity without holding
14 a hearing if the director determines that the certificate holder has failed
15 to pay a civil penalty imposed under this section. The director shall
16 reinstate the certificate of necessity when the certificate holder pays the
17 penalty in full.

18 L. Except as provided in section 41-1092.08, subsection H, a final
19 decision of the department pursuant to this section is subject to judicial
20 review pursuant to title 12, chapter 7, article 6.

21 M. INFORMATION, DOCUMENTS AND RECORDS RECEIVED BY THE DEPARTMENT OR
22 PREPARED BY THE DEPARTMENT IN CONNECTION WITH AN INVESTIGATION THAT IS
23 CONDUCTED PURSUANT TO THIS ARTICLE THAT RELATES TO EMERGENCY MEDICAL
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